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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Hakim  
Serial No.: 10/083,656  
Filing Date: 2/25/2002  
Examiner: Joseph Man Moy  
Art Unit: 3727  
For: No Spill Drinking  
Cup Apparatus  
Attorney Docket No.: 4009.007.201

## Patent Application

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313 -1450

## Petition to Accept Unintentionally Delayed Priority Claim

Applicant hereby petitions under 35 U.S.C. §120, 37 C.F.R. §1.78(a)(3), and M.P.E.P. §201.11 to accept an unintentionally delayed priority claim for the benefit of prior-filed applications, or, alternatively, requests correction of the filing receipt and file in this matter to reflect Applicant's priority claims under any and all applicable law.

Upon review of the file in the present application, it has come to counsel's attention that Applicant's priority claim to two prior applications has not been acknowledged in this matter. Accordingly, Applicant petitions for entry of the priority claim to those two applications (Serial No. 09/271,779 and Serial No. 09/138,588).

09/271,779 09/138,588

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Pursuant to 37 C.F.R. §1.78(a)(3), the present petition requires: (i) the reference required by 35 U.S.C. §120 and paragraph (a)(2) of this section to the prior filed applications; (ii) the surcharge set forth in §§ 1.17(t); and (iii) a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional.

With respect to the required reference under (i), it is provided as follows:

—The present application is a continuation of U.S. Nonprovisional Application Serial No. 09/271,779 filed March 18, 1999 (patented), which is a continuation-in-part of U.S. Nonprovisional Application Serial No. 09/138,588 filed August 21, 1998 (patented), which claims the priority of U.S. Provisional Application Serial No. 60/056,218 filed August 21, 1997. The present application is also a continuation-in-part of U.S. Nonprovisional Application Serial No. 10/001,257 filed November 27, 2001 (pending), which is a continuation of U.S. Nonprovisional Application Serial No. 09/138,588 filed August 21, 1998 (patented), which claims the priority of U.S. Provisional Application Serial No. 60/056,218 filed August 21, 1997. The priority of those prior applications is claimed, and all of those applications are fully incorporated herein by reference.—

The incorporation by reference listed above is believed to be proper since the prior applications were incorporated by reference at the time that the present application was filed. The first line of the application is also being corrected via an amendment which is being submitted concurrently with the present petition.

With respect to requirement (ii), the surcharge set forth under §1.17(t), authorization is hereby provided to charge all amounts due to Deposit Account 50-1604.

With respect to requirement (iii), this will confirm that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. When the present application was filed, the first line of this application had included an express reference claiming the priority of the prior applications, since counsel had intended to claim

priority thereto. It has now come to our attention that priority was not acknowledged and it is believed that this was due to the fact that the reference did not expressly indicate the relationship between the applications as now set forth above. Therefore, the present petition is being submitted to ensure that this application is afforded the priority of those applications to correct this unintentional error. (A petition has also been concurrently submitted under separate cover in U.S. Nonprovisional Application Serial No. 10/001,257 filed November 27, 2001, for the same purpose).

In the event that a petition is deemed unnecessary, or that further action of some form or a different petition is required for the present correction, please contact counsel at the address or phone number listed below so that we may address the Patent Office's requirements. Correction of the application in this matter to obtain the priority of the prior applications under any and all applicable law is hereby requested.

Counsel thanks the Patent Office in advance for their consideration of this matter.

Dated: June 4, 2003

Respectfully submitted,



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